HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G. BHAVANI PRASAD

WRIT PETITION NO. 7028 OF 2006

BETWEEN:

A. Jyothi

.....**Petitioner**

And

The District & Sessions Judge, Chittoor District.

.....**Respondent**

::O R D E R::

Counsel for the Petitioner : Shri Kasa Jagan Mohan Reddy

Counsel for the Respondent : Shri C.V. Nagarjuna Reddy

Dated: 13.04.2006

Per G.S. SINGHVI, CJ

Feeling dissatisfied with the out of turn appointment given to her on the post of Attender in accordance with the policy of compassionate appointment, the petitioner has filed this petition under Article 226 of the Constitution of India for issuance of a direction to District and Sessions Judge, Chittoor to appoint her on the post of Clerk.

We have heard Shri Kasa Jagan Mohan Reddy, advocate for the petitioner. By now, it is well settled that the dependant of a deceased employee cannot seek appointment on compassionate grounds as of right much less on a post of his/her own choice {see **Umesh Kumar Nagpal v. State of Haryana** ((1994) 4 Supreme Court Cases 138)}.

In view of the above stated legal position, the petitioner's prayer for issuance of a mandamus to the respondent to appoint her on the post of Clerk is declined.

At this stage, learned counsel for the petitioner submitted that his client had not joined the post of Attender within the time specified in order dated 08.03.2006 passed by the respondent and, therefore, a direction may be issued to the latter to allow her to join duty.

In the peculiar facts of the case, we accept this prayer of the learned counsel and direct that if the petitioner reports for duty within a period of four days from today, then the respondent i.e. District and Sessions Judge, Chittoor should take her on duty. This would necessarily mean that if the petitioner fails to report for duty within four days, she will lose her right even for the post of Attender and the respondent shall be free to fill up that post by appointing another person in accordance with law.

With the above observations, the writ petition is dismissed.

G.S. SINGHVI, CJ

G. BHAVANI PRASAD, J

13.04.2006

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